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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4008 OF 2006

Ashutosh Mukhopadhyay ..Applicant

Versus

The State of Maharashtra .. Respondent

Mr.A.M.Saraogi for applicant

Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 21st November 2006

P.C.

. During the course of his submissions, Mr.Saraogi has invited my attention not only to remand report at page 9 but also to a complaint

which is filed by the applicant accused in the Court of Additional Chief Metropolitan Magistrate, Mulund. The complaint proceeds on the basis that the applicant accused is a victim of the acts of parties to the complaint viz., Narendra Bansal and Rajendra Dhanukar and officials of Syndicate Bank, Andheri (West), Central Bank of India, Mira Road Branch, Mumbai Dist. Coop.Bank Ltd., Kurla branch and Bank of Baroda, Goregaon branch. Mr.Saraogi invites my attention to the fact that the amounts have been withdrawn by several parties whose names are appearing in the remand report.

2. In my view, the investigations in the crime in which the applicant is involved are in progress and are at a crucial stage. Similarly, as yet, the investigations in the complaint which was lodged with police by the applicant have not commenced. Mr.Saraogi therefore requests that the complaint which has been made to the local police viz., Commissioner of Police, Crawford

Market on 6th May 2006 needs to be investigated so that a complete picture emerges before the Court below.

3. Mr.Saraogi therefore, states that he has instructions not to press this application at this stage in the light of the fact that this Court is inclined to issue directions to police to investigate the complaint dated 6th May 2006. Application is dismissed as not pressed. Liberty to apply to the trial court for identical reliefs at a subsequent stage. In the meanwhile, G.B.C.B., C.I.D., E.O.W. is directed to investigate in the complaint dated 6th May 2006 as also the facts noticed in the remand report and take appropriate action in accordance with law against all those who are found to be prima facie guilty of offences alleged against them. Such investigations be completed within four weeks from today. All contentions of applicant as also prosecution are expressly kept open.

4. Mr.Saraogi requests that applicant has been prescribed certain medicines for his ailment and needs to take them regularly. Applicant's family members be, therefore, permitted to deliver the medicines to the concerned officer/authority so that they reach the applicant. Learned A.P.P. after taking instructions from the I.O. who is present in court makes a statement that medicines which are prescribed if handed over with a accompanying list, the I.O. would have no objection to the same being handed over to the applicant for his consumption.

(S.C.DHARMADHIKARI, J)